

## **Supporting Statement**

### **Form I-687**

#### **Application for Status as Temporary Resident under Section 245A**

#### **Of the Immigration and Nationality Act**

**OMB No. 1615-0090**

#### **A. Justification**

1. On January 23, 2004, the United States District Court for the Eastern District of California approved a settlement agreement in the Catholic Social Services, Inc.-Immigration Program, et al (CSS) vs Tom Ridge, Secretary, Department of Homeland Security, et al. Further, on February 18, 2004, the United States District Court for the Central District of California approved a settlement agreement in the Felicity Mary Newman, et al (Newman) v. Bureau of Citizenship and Immigration Services (CIS), et al case. These decisions rest on the legalization eligibility for certain aliens who are members of long-pending class action lawsuits and who claim they were wrongly denied the chance to adjust status during the legalization program as part of the 1986 Immigration Reform and Control Act (IRCA).
2. As a major part of these settlements, it was agreed that individuals would be afforded an opportunity to seek benefits and be accorded the same privileges that were afforded during the initial filing period of May 5, 1987 to May 4, 1988. U. S. Citizenship and Immigration Services must reinstate Form I-687 as it is the form used by applicants during the legalization program. Additionally, it was agreed that forms required for filing would be made available to class members within 60 days from the date of the agreement(s). The form was cancelled on July 19, 1998 as a result of earlier legislation, which, in effect, halted court actions in behalf of certain aliens seeking to apply for benefits under the program. If reinstated, the Form I-687 would be used to collect information to verify the applicants' status and determine his or her eligibility for the benefit. The former OMB approval number for this collection was 1115-0133.
3. The use of Form I-687 provides the most efficient means for collecting and processing the required data. CIS does not currently have the information technology available to allow for the electronic submission of this form by applicants.

4. A review of the CIS Forms Inventory Report revealed no duplication of effort and that there is no similar information currently available that can be used for this purpose.
5. The collection of information does not have an impact on small businesses or other small entities.
6. The collection of information on Form I-687 is required to verify the applicant's eligibility for temporary status, and if the applicant is deemed eligible, to grant him or her the benefit sought. Lacking such form, the applicant could not seek the benefit provided pursuant to the settlements.
7. The special circumstances contained in Item 7 of the supporting statement are not applicable to this information collection.
8. No public comments were received.
9. CIS does not provide payment or gifts to respondents in exchange for a benefit sought.
10. Legalization applicants are protected by the confidentiality provisions of Section 245A(c)(5) of the Immigration and Nationality Act.
11. There are no questions of a sensitive nature.

**12. Annual Reporting Burden**

a. Number of Responses	100,000 (for 12 months)
b. Number of Responses per Applicant	1
c. Total Annual Responses	100,000
d. Hours per Response	1.16
e. Total Annual Reporting Hours	116,000
f. Total Public Cost	\$26,660,000

**Annual Reporting Burden**

**The total annual reporting burden is 116,000.** This figure was derived by multiplying the number of respondents (100,000) x frequency of responses (1) x hours per response (1.16).

### **Public Cost**

**The estimated annual public cost is \$26,660,000.** This estimate is based upon the number of respondents (100,000) x one hour and 10 minutes (1.16) per response by \$10.00 (average hourly rate), plus the number of respondents (100,000) x fee charged of \$255.00.

The projected hours per response for this collection of information were derived by breaking down the process into three basic components:

Learning about the law and the form:	20 minutes
Completing the form:	20 minutes
Assembling and filing the form:	30 minutes
<i>Total Hours per Response:</i>	1 hour and 10 minutes

Prior tests were used to determine completion times. Individuals not conversant in the CIS process were used to determine an average completion time.

13. There are no capital or start-up costs associated with this information collection. Any cost burdens to respondents as a result of this collection are identified in Item 14 (Fee of \$255.00).

14. **Annualized Cost Analysis:**

a. Printing Cost	\$27,000
b. Collection and Processing Cost	\$25,473,000
c. Total Cost to Program	\$25,500,000
d. Fee Charge	\$25,500,000
e. Total Cost to Government	\$0

### **Government Cost**

The estimated cost of the program to the Government is calculated by using the estimated number of respondents (100,000) x the \$255 fee charge (which includes the hourly rate for clerical, officer and managerial time with benefits, plus a percent for the estimated overhead cost for printing, stocking and distributing and processing this form). No fee waiver is available for applicants.

15. This is a reinstatement of a previously approved collection. There has been no increase in the estimated burden hours previously reported.
16. CIS does not intend to employ the use of statistics or the publication thereof for this collection of information.
17. CIS does not object to the display of the expiration date.
18. CIS does not request an exception to the certification of this information collection. See attached Item 19 of Form OMB 83-1.

**B. Collection of Information Employing Statistical Methods**

Not applicable

**C. Certification and Signature**

**PAPERWORK CERTIFICATION**

In submitting this request for OMB approval, I certify that the requirements of the Privacy Act and OMB directives have been compiled with including paperwork regulations, statistical standards or directives, and any other information policy directives promulgated under 5 CFR 1320.

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**Richard A. Sloan**  
**Director,**  
**Policy Directives and Instructions**

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**Date**